



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

MAY 16, 2002

WATERMASTER  
WATER DISTRICT #34  
PO BOX 53  
MACKAY ID 83251

RE: WATER RIGHT LICENSE #34-07575

Dear Watermaster:

Enclosed please find a copy of a WATER RIGHT PERMIT issued within your district. If you have any questions, please feel free to contact this office.

Sincerely,

  
DARLENE NEWMAN  
Office Secretary

Enclosure



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 16, 2002

Distribution: Parties in the SRBA who participated in the negotiated settlement for General Provisions in Basin 34

RE: Additional Considerations for General Provision 3g

Dear Parties:

As you are aware, I sent a letter to this group of participants on June 26, 2001, which solicited input regarding application of General Provision 3g in the Big Lost River Basin. The provision is repeated here for your convenience.

When the river is connected as specified in General Provision No. 6, while a right is rotated into storage, it is subordinate to all rights diverted above Mackay Reservoir with a priority date earlier than October 1, 1936.

In response to the letter, we received telephonic inquiries questioning the interpretation provided thus far. Accordingly, I initiated a discussion with the Watermaster and other parties who have expressed an interest in this provision.

The discussion, held on April 30, 2002, resulted in the review of various interpretations of General Provision 3g. These interpretations are expressed as options in the enclosed meeting notes. The result of the discussion was the confirmation of the guidance in earlier correspondence that rotation storage cannot take place when the river is connected and when water rights above Mackay Reservoir senior to October 1, 1936 are being curtailed. We also confirmed that rotation into storage can occur both before and after connection of the river, and delivery of this stored water can occur at any time during the irrigation season.

We found that there is nothing in the General Provisions to prevent rotation within the existing canals during periods before, during and after connection of the river. Rotation within the existing canals is also consistent with the approach offered in the draft Statewide Water Management Rules.

If you have further input in this regard, please feel free to contact either Watermaster Doug Rosenkrance or myself.

Sincerely,

David R. Tuthill, Jr., P.E.  
Adjudication Bureau Chief

Enclosures: Distribution List and Meeting Notes

Cc: Norm Young, Susan Hamlin-Nygard, Carter Fritschle, Tim Luke

## Notes from Meeting on April 30, 2002

### Hypothetical Situation

- Flow at Howell Gage is 1000 cfs (river is connected)
  - 1888's are on/1889's are cut
  - 1884 wishes to rotate into storage
- Rotation into storage for this water right is/is not allowed?

### Options

- a. During the period when pre-1936 water rights upstream from Mackay Reservoir are curtailed (delivered on a priority basis), then water rotated into storage cannot be released from storage.
- b. If pre-1936 water rights upstream from Mackay Reservoir are not being curtailed (delivered on a priority basis), then water rotated into storage can be released from storage.
- c. During the period when pre-1936 water rights upstream from Mackay Reservoir are curtailed (delivered on a priority basis), then water cannot be rotated into storage.
- d. If pre-1936 water rights upstream from Mackay Reservoir are not being curtailed (delivered on a priority basis), then water can be rotated into storage and out of storage.
- e. Allow for water right holders to individually participate in the options above.

Note: Utilize rotation within ditches instead of rotation into storage during the period when the river is connected.

MAILING LIST FOR  
BIG LOST RIVER GENERAL PROVISIONS LETTER  
5/16/02

SETH BEAL  
PO BOX 46B  
MOORE ID 83255

LAWARENCE BABCOCK  
RT 1 BOX 66  
MOORE ID 83255

DALE E SMITH  
RT 1 BOX 22  
MOORE ID 83255-9794

MATEA & JOHN MCCRAY  
3470 COBBLESTONE LN  
IDAHO FALLS ID 83404

G DAVID NELSON  
5688 CHILLY RD  
MACKAY ID 83251

BIG LOST IRRIGATION DIST  
PO BOX 205  
MACKAY ID 83251

YOUNG HARVEY WALKER  
RT 1 BOX 200  
ARCO ID 83213

MITCHELL D SORENSEN  
RT 1 BOX 63C-1  
MOORE ID 83255

HARRIETT HENSLEY  
DEPUTY ATTORNEY  
GENERAL  
FOR THE STATE OF IDAHO

PATRICK D BROWN  
HUTCHINSON & BROWN  
LLP  
PO BOX 207  
TWIN FALLS ID 83303-0207

DOUG ROSENKRANCE  
WATERMASTER  
107 S MAIN AVE  
MACKAY ID 83251

LARMEN D ANDERSEN  
RT 1 BOX 52  
MOORE ID 83255

HERB WHITWORTH JR  
STAR ROUTE  
MACKAY ID 83251